



STATE OF UTAH

JON M. HUNTSMAN, JR.
GOVERNOR

OFFICE OF THE GOVERNOR
SALT LAKE CITY, UTAH
84114-2220

GARY R. HERBERT
LIEUTENANT GOVERNOR

March 22, 2005

The Honorable Greg J. Curtis
Speaker of the House
and
The Honorable John L. Valentine
President of the Senate

Dear Speaker Curtis and President Valentine:

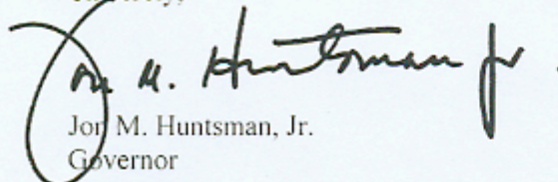
This is to inform you that on March 22, 2005, I decided, after careful consideration and study, to veto House Bill 42, MEDICAL RECOMMENDATIONS FOR CHILDREN, of the General Session of the Fifty-Sixth Legislature and have transmitted it to the Lieutenant Governor for filing.

The reasons for my veto are as follows: First, this bill unnecessarily limits the communication that can take place between parents and teachers regarding a child's behavior. Specifically, it significantly chills (and in many instances prohibits) a teacher from recommending to a parent psychiatric or psychological treatment or evaluation, behavioral health evaluation, or mental health screening and testing. Teachers and administrators are already restricted by state law and the Utah State Board of Education's Administrative Rules from prescribing specific medications or requiring a child to take any specific medication as a condition of school attendance. Accordingly, the restrictions contained in this bill may needlessly hinder open and honest communication between a parent and a teacher concerning a child's behavior and discussion about the right solution for the family, the child, and the school.

Second, because the bill requires that parents or guardians be given the opportunity to review (in advance) any mental health tests that may be administered by school personnel, it would compromise the validity and security of those tests. Moreover, parental consent for many such examinations is already required by Utah Code Ann. § 53A-13-302.

Ultimately, decisions concerning a child's behavior and solutions for any problems should be made by that child's parents or guardians. In making decisions about a child's behavior, however, parents and guardians should have unhindered access to input from teachers.

Sincerely,


Jon M. Huntsman, Jr.
Governor